

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LOUIS MILBURN, et al.,

Plaintiffs,

-against-

HENRY S. DOGIN, et al.,

Defendants.

No. 79-CV-5077 (LAP)

ORDER

LORETTA A. PRESKA, Senior United States District Judge:

On June 22, 2021, inmate Daniel Miller moved to intervene in this action. (See dkt. no. 589; see also dkt. no. 590 (letter related to motion).) On June 30, 2021, following a conference with counsel, the Court reserved decision on Mr. Miller's motion "pending a status update" from class counsel. (See dkt. no. 598 at 2.) On August 2, 2021, the Court granted class counsel's motion to substitute new proposed class representatives in this matter. (See dkt. no. 638.)

On August 20, 2021, Defendants filed a letter opposing, inter alia, Mr. Miller's motion to intervene. (See dkt. no. 651 at 2.) Specifically, Defendants stated that (1) "[t]here is no reason to believe that the current class representatives will not adequately represent the interest of incarcerated individuals housed in C-4 Block" (where Mr. Miller is housed) and (2) "Mr. Miller's intervention would also greatly complicate the progress of the case, as it could well lead to conflicting

positions and demands.” (Id.) On August 23, 2021, class counsel also filed a letter “oppos[ing] the request by Mr. Miller to intervene . . . , as not in the interests of the Class, including members residing on the UPD.” (Dkt. no. 654 at 2.)

The Court will not permit Mr. Miller to intervene. The Court has already substituted eleven new class representatives, four of whom reside in UPD where Mr. Miller is housed. There is no indication that those class members, together with class counsel, will not adequately represent the needs of the class (including Mr. Miller). Moreover, the Court notes that permitting Mr. Miller’s intervention could very well delay this case’s resolution, which the Court certainly wishes to avoid given the potential harm that any delay might cause to inmates at Green Haven. Finally, class counsel does not represent Mr. Miller individually, and a pro se plaintiff may not represent third parties in a class action like this case.<sup>1</sup>

For each of these reasons, Mr. Miller’s motion to intervene [dkt. no. 589] is DENIED. Consequently, Mr. Miller’s separate request for a pre-motion conference [dkt. no. 644] concerning a proposed motion to bifurcate the class is also DENIED. The

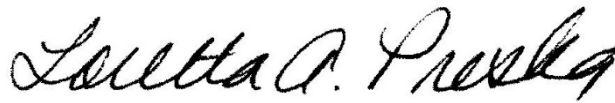
---

<sup>1</sup> See, e.g., Iannaccone v. Law, 142 F.3d 553, 558 (2d Cir. 1998). While Mr. Miller has made requests on his own behalf, he has also purported to raise issues on behalf of other inmates at Green Haven.

Clerk of the Court shall (1) close the open motions, and (2) mail a copy of this order to Mr. Miller. Going forward, Mr. Miller shall direct any concerns about this case to class counsel.

**SO ORDERED.**

Dated: August 23, 2021  
New York, New York

A handwritten signature in black ink, reading "Loretta A. Preska". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

LORETTA A. PRESKA  
Senior United States District Judge